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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/608,839

06/25/2003

Derrick Howard Jefferson

7625

7590

09/22/2004

Derrick Jefferson
1844 5th Avenue
Apt. 5
Oakland, CA 94606

EXAMINER

HUNNINGS, TRAVIS R

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,839

Applicant(s)

JEFFERSON, DERRICK HOWARD

Examiner

Travis R Hunnings

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claim 1, and therefore by dependency claims 2-11, of this application. The claimed "providing visual signals" is not disclosed in any way in the provisional application 60/393,642.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "rechargeable power unit" as claimed in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "10" has been used to designate both "alert button" and "indicator light".

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference number 8 in figure 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claim 10 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Regarding claim 1, the phrase "may" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

10. Claim 2 recites the limitation "said RF signals" in line 1. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 4 recites the limitation "the Vehicle Collision Detector" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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13. Claims 1, 2, 3, 5, 6 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Alanara et al. (Alanara; U.S. 6,061,561).

Regarding claim 1, Alanara discloses Cellular Communication System Providing Cell Transmitter Location Information which discloses the following claimed limitations:

The claimed receiving signals having digital information from air link using circuitry contained in an electronics components housing object is met by the mobile station (10) including an antenna (12) for transmitting signals to and for receiving signals from a base site or base station (30; col3 65-67);

The claimed satellite assistance for monitoring by receiving geographic position data of a geographically transiting object by recording of a first set of data representing the absolute geographic position of said object at first position, creating relative position data from a difference between the absolute position data of a given position and the position data of a proceeded recorded position, and recording a second set of position data representing a second position of said object relative to the first position is met by the step of determining a current position of the vehicle from a vehicular navigation system (col3 24-25);

The claimed obtaining said digital information as well as compass and relative data input by a personal computer system is met by the step of originating an emergency call from the mobile station including the current location information along with including other information that is descriptive of the mobile station (col3 19-33).

The compass data is intrinsic to vehicle location information data retrieved by vehicular

navigation systems and would therefore be included automatically in the vehicle position data;

The claimed obtaining said digital information by active or passive means is met by mobile station originating an emergency call from the to a base station in response to an activation of a passenger safety system of the vehicle (col3 19-24);

Regarding claim 2, the claimed receiving step including receiving said RF signals using a cellular telephone circuit is met by mobile station operating on a cellular communication network (col3 11-33).

Regarding claim 3, the claimed means for outputting digital information from said cellular telephone circuit is met by the controller (18) and the memory (24) outputting messages to the user via a display (col4 33-43 and 56-).

Regarding claim 5, the claimed output of digital information is activated by a sensing apparatus, or by a manual action, or by a digital request from a remote source is met by the mobile station originating an emergency call upon activation of a vehicle passenger safety system such as an air bag system (col3 11-33).

Regarding claim 6, the claimed sensing apparatus being activated by a force determined by a calibrated value is met by the vehicle passenger safety system being an air bag system (col3 19-21). It is inherent that an airbag is activated when a force is encountered that is above a certain calibrated value set by the manufacturer.

Regarding claim 10, the claimed circuitry for transmitting data from storage location to a cellular telephone circuit is met by the controller (18) operating the mobile station using cellular system parameters that are stored in the memory (col4 33-43).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Berard et al. (Berard; U.S. 5,515,043).

Regarding claim 4, Alanara discloses all the claimed limitations except supplying electrical power being supplied from the vehicle's batter to a rechargeable power unit. Berard teaches Cellular/GPS System for Vehicle Tracking which uses a vehicle battery to charge an internal battery for power (col5 35-41). The internal battery is used when the vehicle battery is low or not present and the vehicle battery is used to recharge the internal battery when the vehicle is turned on. This circuit allows for power to be supplied to the device even when the vehicle is turned off or the vehicle battery is low while recharging the internal battery when the vehicle is turned on so that it will have enough power for when the vehicle is turned off. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device

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disclosed by Alanara according to the teachings of Berard to include a rechargeable power unit attached to the vehicle's battery to provide for a more stable power supply to the device.

16. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara.

Regarding claim 7, Alanara discloses all the claimed limitations except the alphanumeric keypad including a mode and an enter button. Alanara discloses using a keypad to operate the mobile station (col4 24-28). The examiner takes official notice that it is well known in the art for a keypad when integrated with a controller and a memory to have both mode and enter keys to use for the input and retrieval of data. The input and retrieval method would be ideal in this device to store the personal data of the user that will be sent to the control station in the case of an emergency (col3 11-33). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Alanara to include a keypad with mode and enter keys.

Regarding claim 8, Alanara discloses all the claimed limitations. The claimed method of storing input being accomplished by a memory circuit is met by the memory (24) storing data and user messages along with other information that is descriptive of the user of the mobile station (col3 11-33 and col4 33-43).

17. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Bath (U.S. 3,641,491).

Regarding claim 9, Alanara discloses all the claimed limitations except the visual signal comprising an apparatus that flashes high emissions of light. Bath teaches Automatic Anticollision and Accident Marker System for Automotive Vehicle that uses a strobe light to alert others to an accident that has occurred (col1 63-66). The strobe light is activated either automatically when a collision or rapid deceleration is sensed or manually by the user. The strobe light is used to warn other drivers and emergency personnel that an accident has occurred and pinpoint the exact location of the accident. The strobe light is ideal because it produces high-intensity light pulses that are easy to see for great distances (col1 43-44). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Alanara according to the teachings of Bath to include an external strobe light to alert other drivers and emergency personnel of the location of the accident.

18. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara in view of Wortham.

Regarding claim 11, Alanara discloses all the claimed limitations except the transfer of data information is automatically repeated at predetermined time intervals. Wortham teaches Vehicle Locating and Communicating Method and Apparatus that teaches using an automatic communication device to periodically send information regarding a vehicle to a home office from that vehicle (col3 24-32). The information

includes location and any problems with the vehicle that could be a vehicle accident.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Alanara according to the teachings of Bath to include an apparatus that automatically reports the condition of the vehicle at predetermined time intervals. The term periodically is interpreted to mean the same thing as predetermined time intervals because the manufacturer would have to set up the device to send out the information as described and it would therefore be a predetermined time interval.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Magliari et al. discloses Vehicle Responsive Alert System, U.S. 5,680,119.

Sheffer discloses Vehicle Location System, U.S. 5,055,851.

Sheffer et al. discloses Vehicle Tracking System, U.S. 5,218,367.

Mansell et al. discloses Vehicle Tracking and Security... U.S. 5,223,844.

Sheffer discloses Tracking System and... U.S. 5,515,419.

Ross discloses Apparatus and Method for Tracking... U.S. 5,673,305.

Janky et al. discloses Concealed Mobile Communications... U.S. 5,918,183.

McCurdy discloses Emergency Assistance System... U.S. 6,340,928.

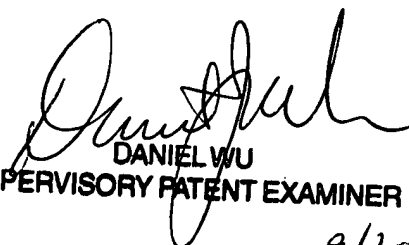
Hillman et al. discloses Vehicle Tracking and Security... U.S. 6,522,265.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DANIEL WU
SUPERVISORY PATENT EXAMINER
9/20/04